

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1231

T06-0099

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the Norfolk Southern Railway Company ("Company"), Morgan County Road District # 6 ("Road District"), and the State of Illinois, Department of Transportation ("Department" or "IDOT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through application for assistance from the Grade Crossing Protection Fund that inquiry should be made into the matter of improving public safety at the Reining Road (TR 54), and the Perbix Road (TR 147) highway-rail grade crossings of the Company's track near Chapin, Illinois, designated as crossings AAR/DOT #479 426W, railroad milepost 454.45-WC, and AAR/DOT #479 425P, railroad milepost 454.23-WC respectively; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossings by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossings have been obtained and shown on Exhibits A-1 and A-2, attached to this Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish proposed improvements to the crossings upon determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law, 625 ILCS 5/18(c)-7401, requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund ("GCPF") of the Motor Fuel Tax Law ("MFT") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the improvements in the interest of public safety at the aforesaid crossing should be as follows:

DOCKETED

Reining (TR 54)
(AAR/DOT #479 426W)

- (a) Installation of temporary STOP signs within 30 days of a Commission Order for the installation of new automatic warning devices, by the Company.
- (b) Construction of a newly aligned Reining Road and a connecting road as depicted in Exhibit C-1 and C-2, by the Road District.
- (c) Construction of new 32 foot wide crossing surface at a point approximately 150 foot northeast of the existing highway-grade crossing surface, the location as depicted in Exhibit C-1, by the Company.
- (d) Installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder, by the Company.
- (e) Installation of new railroad advance warning signs on both highway approaches to the crossing, in compliance with requirements of 92 Ill. Adm. Code 1535.310, by the Road District.
- (f) Removal of the old Reining Road highway approaches to the Company's track at the existing crossing surface, by the Road District.
- (g) Removal of the existing grade crossing surface and Crossbuck warning signs at the Reining Road highway-rail grade crossing, by the Company.

Perbix (TR 147)
(AAR/DOT #479 425P)

- (a) Installation of temporary STOP signs within 30 days of a Commission Order pertaining to this Stipulated Agreement 1231, by the Company.
- (b) Vacation of the roadway adjacent to the Company's track, by the Road District, and closure of the Perbix Road (TR 147) crossing, by the Company, all after the automatic flashing light signals and gates have been installed and placed in service at the newly aligned and relocated Reining Road (TR 54), AAR/DOT #479 426W) crossing, and the corresponding connecting road has been constructed.
- (c) Installation of "Road Closed Ahead" signs on the east and west highway approaches to this highway-rail grade crossing, by the Road District.
- (d) Installation of permanent barricades conforming to the requirements of 92 Ill. Adm. Code 1535.701 and the Manual on Uniform Traffic Control Devices (MUTCD), by the Company.
- (e) Removal of the existing grade crossing surface and cross buck warning signs at this highway-rail grade crossing, by the Company.

Section 3 A Commission Order will be issued, subsequent to execution of this Agreement, authorizing the work outlined in Section 2.

The Company has prepared a "round figure" estimate of cost to accomplish the proposed safety improvements on the Reining Road crossing for the installation of the signals/gates (Exhibit B-1), and for the construction of the new crossing surface (Exhibit B-2), which it may be required to perform.

The Road District has prepared a general layout plan and a preliminary estimate of cost for the road work pertaining to the Reining Road realignment and connecting road construction, in Exhibit C-1 through C-3.

The Company shall upon Order, according to the requirements contained therein, prepare and submit detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvements for the approval of the Commission. The Company agrees that an appropriate time for the submission of plans should be 120 days from the date of a Commission Order subsequent to this Agreement.

Morgan County Road District # 6 shall upon Order, according to the requirements contained therein, prepare and submit plans, estimates of cost, and any required specifications for the proposed realignment of Reining Road and the connecting road for the approval of IDOT District 6 Local Roads, and the Commission. The Road District agrees that an appropriate time for the submission of all plans and estimates should be 120 days from the date of a Commission Order subsequent to this Agreement.

The Company shall install temporary STOP signs at both of the subject crossings within thirty (30) days from receipt of a Commission Order issued subsequent to this Order. The Company will be responsible for all costs associated with installation and maintenance of the temporary STOP signs. The STOP signs shall remain in place until the Reining Road relocated crossing is equipped with the automatic flashing light signal and gates, and they are operational, the connecting roads have been constructed, and the Perbix Road crossing has been closed with the installation of Permanent barricades as called for in Section 2 above. The Company shall provide all parties with written notice that the automatic flashing light signal and gate installation has been completed at Reining Road (TR 54), AAR/DOT #479 426W within five (5) days of its completion. The Road District shall do the same upon completion of all of their roadwork. Notice may be provided by regular mail, electronic mail, or facsimile. Within three (3) business days from the date notice has been received from the Company and the Road District that both parties have completed their signal/gate and crossing surface installation (Company), and road work (Road District), the Company shall remove the crossing surface and erect Permanent barricades, and the Road District shall install the "Road Closed Ahead" signs at the Perbix Road (TR 147) crossing, as specified in Section 2 above. All work shall be coordinated between the Company and Road District, so that the existing grade crossing surface, Crossbuck warning signs, and the temporary STOP signs can be removed at the proper times. All permanent barricades and "road closed ahead" signs are to be maintained by the Road District after they have been installed.

Section 4 The Company and the Road District shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services, and agrees that an appropriate time for the completion of the proposed improvements should be eighteen (18) months from the date of a Commission Order subsequent to this Agreement.

Section 5 The parties agree that an equitable division of cost for the proposed improvements should be as follows:

- COST DIVISION TABLE -

IMPROVEMENT	EST. COST	GCPF	ROAD DISTRICT	COMPANY
Reining Road (TR 54)				
Install temporary STOP Signs within 30 days of receipt of a Commission Order.	No Estimate Required	\$0	\$0	100% ³
Construct a newly aligned Reining Road and a connecting road.	\$275,985	\$260,985 ²	\$15,000 ²	\$0
Install new 32' wide crossing surface at the relocated crossing.	\$35,000	(Material) \$10,100 ⁴	0%	Remainder ³
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry.	\$175,100	(95%) \$166,345 ¹	\$0	5% Remainder ³
Install Advance Warning Signs.	No Est. Required	\$0	100% ⁵	\$0
Removal of the old Reining Road approaches to the Company track at the existing crossing surface.	No Estimate Required	\$0	100%	\$0
Removal of the existing grade crossing surface and cross buck warning signs.	No Estimate Required	\$0	\$0	100%
Perbix (TR 147)				
Install temporary STOP Signs within 30 days of receipt of a Commission Order.	No Estimate Required	0%	0%	100% ³
Vacate Perbix Road (TR 54) by Local Ordinance.	No Estimate Required	\$0	100%	\$0
Install a "Road Closed Ahead" sign on the east and west highway approaches	No Estimate Required	\$0	100%	\$0
Install permanent barricades; remove existing surface and warning devices.	No Estimate Required	\$0	\$0 ⁵	100% ⁶
TOTALS	\$486,085	\$437,430	\$15,000	\$---

[Totals do not reflect costs where no estimates were provided.]

Notes:

¹ Total Grade Crossing Protection Fund (GCPF) assistance for the installation of automatic warning devices shall not to exceed \$166,345; any installation costs above the estimated amount of \$175,100 will be divided between the GCPF and the Company in the same percentages noted above upon submittal and review of evidence to support the additional cost and subject to approval by the Commission.

² Total GCPF assistance not to exceed \$260,985 for all roadway improvements.

³ Company responsible for all future operating and maintenance costs associated with the new automatic warning devices, crossing surface, and temporary STOP signs.

⁴ Total GCPF assistance for construction of the new relocated Reining Road highway-rail grade crossing surface shall not exceed \$10,100.

⁵ Morgan County Road District # 6 responsible for all future maintenance of the new roadways, approaches of same, crossing closure barricades, and "Road Closed Ahead" and Advance Warning signs.

⁶ The Company is responsible for all costs associated with erecting permanent barricades for the crossing closure, and the corresponding crossing surface removal.

Section 6 Morgan County Road District # 6 is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution incorporated herein by reference as Exhibit D. The Road District shall submit a certified copy of the Resolution at the same time as the Execution Page of this Agreement is submitted to the Commission.

Section 7 Special Provisions: Morgan County Road District # 6 shall submit certified copies of the local vacation ordinance for Perbix (TR 147) to all parties, as evidence that the roadway has been vacated by the Road District. The Road District shall submit the vacation ordinance to all parties at the same time as the Execution Page of this Agreement is submitted to the Commission. The ordinance must stipulate that vacation of Perbix Road will not take place until the construction of the realigned Reining Road and respective connecting road is completed, and the automatic flashing light signals and gates are installed and placed in service at the relocated Reining Road crossing.

As soon as the Road District's road plans have been approved by IDOT District 6 and the Commission staff as called for in Section 3 above, the Road District shall supply the Company with two sets of the approved plans and specifications. The Road District and Company shall coordinate the work specified in Section 2 at all phases of the project. See the Exhibits E-1 and E-2 for contact person information.

The Company shall not close the Perbix Road (TR 147) crossing until all work outlined in Section 2 is completed, and notice has been received from the Road District and Company that the installation of automatic flashing light signals and gates at the Reining Road crossing is completed and put into service, and all of the road work is completed.

The Company and the Road District shall review the Project Manager Information portion of the Project Status Report sheets, attached as Exhibits E-1 and E-2, respectively. If any changes are required, the sheets are to be corrected and sent with this executed Agreement.

The Company and Road District shall, at six (6) month intervals from the date of the Commission Order approving this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibits E-1 (Company), and E-2 (Road District), regarding the progress each has made toward completion of the work required by this Agreement, if any. Each Project Status Report shall include the Commission Order's docket number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of the Company and the Road District Project Manager.

All bills for expenditures for the road construction specified in Section 2 authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to Christine Reed, Region Engineer, District 6, Attn: Terry Fountain, District Six Engineer of Local Roads and Streets, 126 E. Ash, Springfield, Illinois 62704. All other bills for expenditures authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit, Bureau of Local Roads and Streets, Illinois Department of Transportation, 2300 S. Dirksen Parkway, Springfield, Illinois 62764. The Department

shall send a copy of all invoices to the Director of Processing and Information, Transportation Bureau of the Commission. All bills shall be submitted no later than twelve (12) months from the completion date specified in the Commission Order approving this Agreement. The final bill for expenditures from the Company shall be clearly marked "Final Bill". The Department shall not obligate any assistance from the Grade Crossing Protection Fund for the cost of proposed improvements described in this Agreement without prior approval by the Commission. The Commission shall, at the end of the 12th month from the completion date specified in the Commission Order approving this Agreement or any Supplemental Order(s) issued for this project, notify the Department to de-obligate all residual funds accountable for this project. Notification may be by regular mail, electronic mail, fax, or phone.

The Morgan County Engineer may act as the Road District's agent in all phases of this project. If the County Engineer's office lets the contract for the Road District's road work that is specified in Section 2 of this Agreement, then IDOT District 6 can authorize reimbursement to the County out of the GCPF in the amount stipulated in Section 5 herein, after satisfactory billing documentation is supplied to said IDOT District 6.

SECTION 8 Billing: For all work specified in Section 2 of this Agreement and authorized by an Order of the Commission, the Company and Road District/County shall assure that sufficient documentation for all bills is made available for review by the Department or the Department's representative. The minimum documentation that must be made available is outlined below:

- a) Labor Charges (including additives) - Copies of employee work hours charged to the project.
- b) Equipment Rental - Copies of rental agreements for the equipment used, including the rental rate; and the number of hours the equipment was used on the project.
- c) Material - An itemized list of all materials purchased and installed at the crossing location. If materials purchased are installed at multiple crossing locations, a notation must be made to identify the crossing location.
- d) Engineering - Copies of employee work hours charged to the project.
- e) Supervision - Copies of employee work hours charged to the project.
- f) Incidental Charges - An itemized list of all incidental charges along with a written explanation of those charges.
- g) Service Dates - Invoice shall include the beginning and ending date of the work accomplished for the invoice.
- h) Final or Progressive - Each invoice shall be marked as a Progressive or a Final Invoice.
- i) Reference Numbers - Each invoice shall include the AAR/DOT number, the ICC Order number and the state job number when federal funds are involved.
- j) Locations - Each invoice shall show the location, with the street name and AAR/DOT crossing inventory number.

Section 9 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate Order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

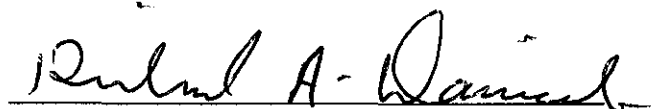
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 18th day of October 2006.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Richard A. Daniels
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1231 executed by Commission Staff on October 18, 2006 concerning improvements at the Reining Road (TR 54), and the Perbix Road (TR 147) highway-rail grade crossings of the Company's track near Chapin, Illinois, designated as crossings AAR/DOT #479 426W, railroad milepost 454.45-WC, and AAR/DOT #479 425P, railroad milepost 454.23-WC.

Executed by the Company this 27th day of October 2006

NORFOLK SOUTHERN RAILWAY
COMPANY

By: HR Comstock
General Manager

Attest:

Mary Ann M. Mundy
Assistant Corporate Secretary

Illinois Commerce Commission Stipulated Agreement No. 1231 executed by Commission Staff on October 18, 2006 concerning improvements at the Reining Road (TR 54), and the Perbix Road (TR 147) highway-rail grade crossings of the Company's track near Chapin, Illinois, designated as crossings AAR/DOT #479 426W, railroad milepost 454.45-WC, and AAR/DOT #479 425P, railroad milepost 454.23-WC.

Executed by the ROAD DISTRICT this 27th day of October 2006

MORGAN COUNTY ROAD DISTRICT#6

By: Be One

Attest:

Wanda Heater

Illinois Commerce Commission Stipulated Agreement No. 1231 executed by Commission Staff on October 18, 2006 concerning improvements at the Reining Road (TR 54), and the Perbix Road (TR 147) highway-rail grade crossings of the Company's track near Chapin, Illinois, designated as crossings AAR/DOT #479 426W, railroad milepost 454.45-WC, and AAR/DOT #479 425P, railroad milepost 454.23-WC.

Executed by the Department this 3rd day of November 2006

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By:

A handwritten signature in black ink, appearing to read "Milton R. Sees", written over a horizontal line.

Milton R. Sees, Director of Highways/ Chief Engineer

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	Norfolk Southern Railway Company
USDOT#, MILEPOST	479 426W, mp 454.45-WC
STREET, CITY, COUNTY	Reining Road (TR 54)
JURISDICTION (RDWY)	Morgan County Road District #6
LOCATION	rural
STREET SURFACE	11 wide, rock

CROSSING DATA: See Location Sketch for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
NE-SW	Timber & asphalt	22 ft.	fair

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	None
TRAFFIC CONTROL	None
ADT & SPEED	25 Per Day @ 55mph unposted
TRAFFIC TYPE	Passenger, farm vehicles
ADVANCE WARNING	no
PAVEMENT MARKING	N/A

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	20 Per day @ 60 MPH, Day & Night
PASSENGER TRAFFIC	none
WARNING DEVICES	Cross bucks

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	60	MPH
Roadway Speed	55	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	520	FEET
Along Tracks	647	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1440	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	ok		100	Corn
NW	ok		100	Corn
SE	ok		100	Corn
SW	ok		100	Corn

*Note: Automatic flashing light signals and gates (AFLS&G) eliminate the need to satisfy minimum Site Distance criteria.

APPROACH GRADES:

DIRECTION/North			DIRECTION/South		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
25	99.9	0.4	25	98.6	5.6
50	97.4	10	50	95.9	10.8

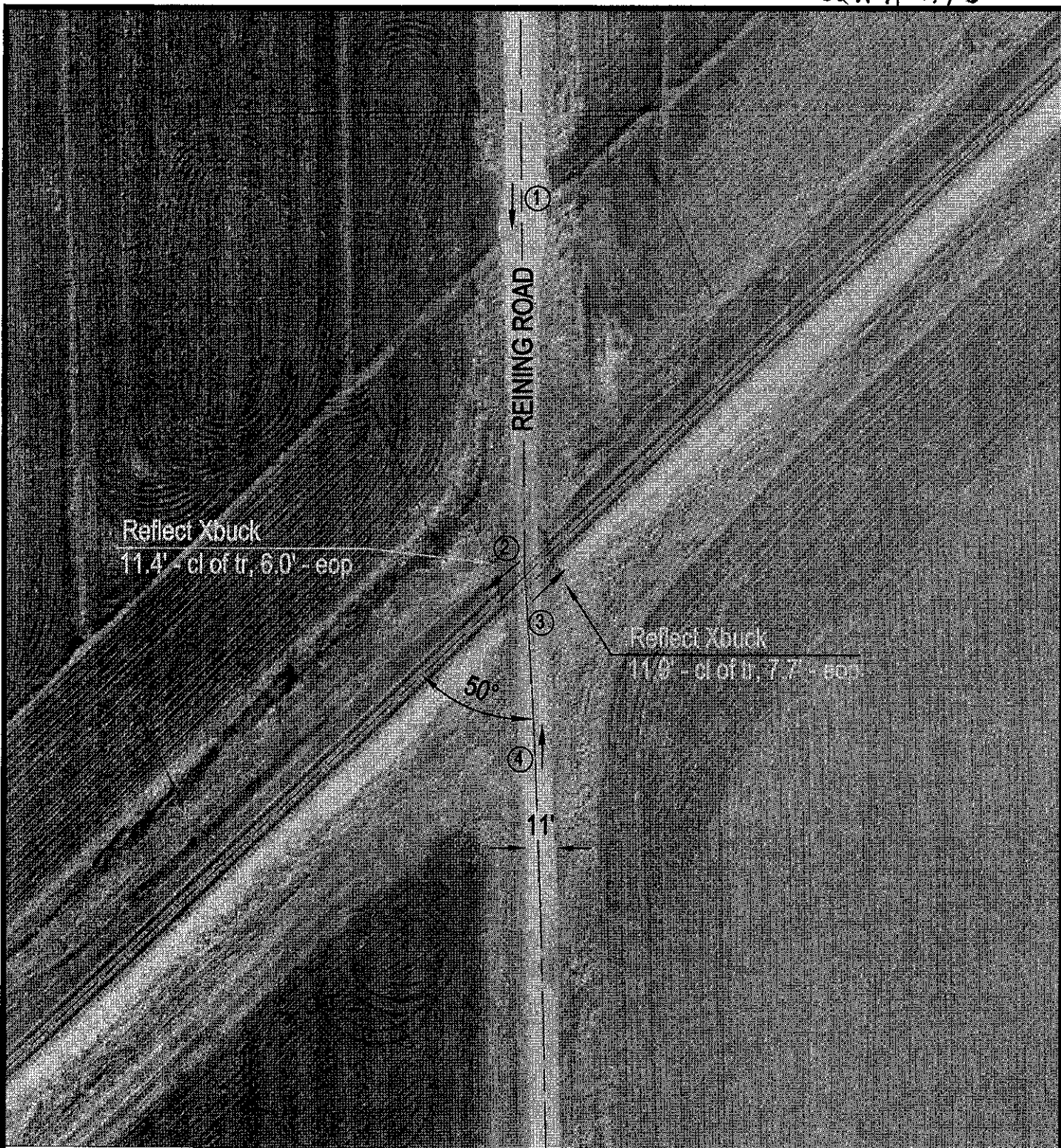
Distance measured from outermost rail.

COMMENTS:

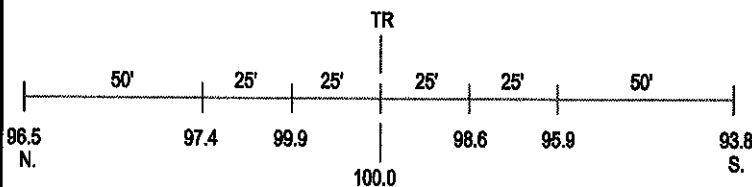
Norfolk Southern Railway's preliminary estimate of cost to install new automatic warning devices at the Reining Road crossing is \$175,100. Staff of the Illinois Commerce Commission's Rail Safety Section recommends that the Grade Crossing Protection Fund (GCPF) be used to pay 95% of the installation costs, not to exceed \$166,345, and NS pay all remaining installation costs as well as all future maintenance and operating costs. This crossing will be relocated about 150' to the northeast, and a connecting road will be constructed between the relocated Reining Road and Perbix Road. The Perbix Road grade crossing (AAR/DOT # 479 425P) will be closed as a part of this Agreement.

Staff of the Illinois Commerce Commission's Rail Safety Section recommends that the GCPF be used to pay an amount not to exceed \$260,985 for construction of a relocated roadway and connecting road. The total estimated cost of said road work is \$275,985. The Township will pay \$15,000 for the roadwork, and install the "Road Closed Ahead" signs and the Advanced Warning signs. Staff also recommends that the GCPF be used to pay for the cost of materials, not to exceed \$10,000, and the NS pay for the labor for the installation of the new relocated Reining Road crossing surface. The total estimated cost for the new 32' wide crossing surface is \$35,000.

See Page 3 for a Location Sketch (Aerial Photo) of the crossing.



479426W 07/10/00 11:20 LA



ROAD PROFILE



③ Photo Location

Crossing #: 479426W
 Location: Morgan Co., City of Chapin (N)
 Lat/Long: 39°44'39" / 90°21'01"
 Railroad: NS
 Street: Reining Road
 Railroad Milepost: 454.45
 Crossing Protection: Signs